

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No. 0:98-1126-JFA
)	
v.)	ORDER
)	
ADRIAN HOWARD JACKSON)	
_____)	

The defendant, Adrian Howard Jackson, has filed a motion to amend his petition under 28 U.S.C. § 2255. The original § 2255 petition was filed on April 11, 2013, and the government has been given an extension until April 27, 2012 to answer or otherwise respond. Since the government has not yet answered, defendant seeks leave of court to amend his petition before being served with a responsive pleading.

Although the rules governing § 2255 proceedings do not specify a procedure by which a defendant/petitioner may amend his motion, courts have typically used Rule 15 of the Federal Rules of Civil Procedure as grounds for amendment of a § 2255 petition. Specifically, Rule 15(a)(1)(A) permits an amendment once as a matter of course “before being serviced with a responsive pleading.”

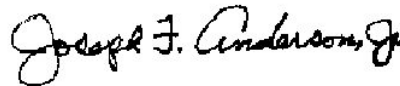
For good cause shown, the court will grant the defendant’s request to amend his § 2255 petition (ECF No. 833). Such amended petition shall be filed with the Clerk no later than twenty days from the date of this order and shall be properly served on the government.

IT IS FURTHER ORDERED that the petitioner is hereby allowed to proceed *in forma pauperis*. If no transcript is required, the United States Attorney shall file an answer or other pleading within thirty (30) days from the date of receipt of the defendant’s amended petition. If, on the other hand, a transcript is required, the United States Attorney shall immediately request a transcript from the Court Reporter and shall file an answer or other pleading within thirty (30) days from his or her receipt of the transcript.

The petitioner is ordered always to keep the Clerk of Court advised **in writing** (901 **Richland Street, Columbia, South Carolina 29201**) if his address changes for any reason, so as to assure that orders or other matters that specify deadlines for him to meet will be received by him. If as a result of his failure to comply with this Order, the petitioner fails to file something he is required to file within a deadline set by a District Judge or a Magistrate Judge, the case may be dismissed for violating this Order. Therefore, if the petitioner has a change of address before this case is ended, he must comply with this Order by immediately advising the Clerk of Court in writing of such change of address. Failure to do so will not be excused by the court.

The petitioner is advised to put this Order with his case records so that he will not overlook his duty. If an attorney serves him by mail on behalf of a defendant or a respondent, the petitioner also has a duty to notify that attorney if his address is to be changed for mail purposes.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

July 17, 2013
Columbia, South Carolina